IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 889/2007
(Ranchhod Lal Meena Vs. State of Rajasthan & Ors.)

Date of Order : 28/03/2007

PRESENT
HON'BLE MR. JUSTICE H.R.PANWAR

Mr. V.K.Sharma for the petitioner.
Mr. Rameshwar Dave, Dy.G.A.
Mr. Vijay Bishnoi for respondents NO. 2 and 3.

BY THE COURT:-

By the instant writ petition, the petitioner seeks quashing of order Annex.7 dated 18.1.2007 whereby the petitioner on completion of 58 years of age has been ordered to be superanuated w.e.f. 31.3.2007.

Learned counsel for the petitioner submits that the date of birth of the petitioner is 1.4.1950.

A reply to the writ petition has been filed by the respondents and along with the reply, a certificate Annex.R-1 issued by the Board of Secondary Education, Rajasthan for the Secondary School Examination, 1969 showing the date of birth of the petitioner as 1.4.1949, has been placed on record. The copies of Annual Performance Appraisal reports for the year 1981-82, 1982-83, 1983-84, 1986-87 and 1987-88 have also been placed on record as Annex.R-2, wherein the petitioner

himself has mentioned his date of birth as 1.4.1949. Thus, there is ample documentary evidence on record in the form of Annex.R-1 and Annex.R-2 showing the date of birth of the petitioner as 1.4.1949. The documents Annex.R-2 are admitted documents and written by the petitioner himself, wherein the petitioner stated his date of birth as 1.4.1949. Even otherwise, basic document is the Certificate issued by the Board of Secondary Education which also shows the date of birth of the petitioner as 1.4.1949. Thus, the contention of the petitioner that his date of birh is 1.4.1950 cannot be accepted and deserves to be rejected in view of the documents placed on record by the respondents.

It is further contended by learned counsel for the petitioner that the State Govt. by circular dated 24.5.2004 directed all the Public Sector Undertakings while enhancing the superanuation age of the employees from 58 to 60 years, to consider the superanuation age of the employees working in Pulib Sector Undertakings and therefore, submits that superanuation age in the State is now 60 years whereas the respondents have not enhanced the same.

Learned counsel for the respondents submits that vide Annex.R-4, the matter has been considered and it has been decided to keep the superanuation age of the employee as 58 years.

Counsel for the petitioner submits that the petitioner may be permitted to make a representation to the respondents seeking enhancement of the superanuation age.

In this view of the matter, the writ petition has no force and it is therefore, dismissed. However, the petitioner may make a representation to the respondents No. 1 and 4 in the light of the circular of the State Govt. Dated 24.5.2004. No order as to costs.

(H.R.PANWAR),J.

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